



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/251,582 02/16/99 GUTIERREZ

R 06618/266001

EXAMINER

020985 MM92/1208  
FISH & RICHARDSON, PC  
4350 LA JOLLA VILLAGE DRIVE  
SUITE 500  
SAN DIEGO CA 92122

NATIMIDAD, PAPER NUMBER

DATE MAILED: 2877

12/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Notice of Allowability

Application No.

09/251,582

Examiner

Phil Natividad

Applicant(s)

GUTIERREZ ET AL.

Art Unit

2877

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reconsideration request received 16 Nov 2000.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☐ The drawings filed on \_\_\_\_\_ are acceptable as formal drawings.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

6. ☒ Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
7. ☒ Applicant MUST submit NEW FORMAL DRAWINGS
  - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. 2.
  - (b) ☒ including changes required by the proposed drawing correction filed 12 June 2000, which has been approved by the examiner.
  - (c) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

8. ☐ Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any reply to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE / SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

## Attachment(s)

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input checked="" type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.              |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9 <input type="checkbox"/> Other  |

### EXAMINER'S AMENDMENT

The application has been amended as follows:

Fig. 1 should be labeled as "Prior Art" because only that which is conventional is illustrated.

### DETAILED ACTION

1. Claims 1-22 are allowed.

Examiner has considered applicant's arguments of November 16, 2000 that source is pulsed.

2. The following is an examiner's statement of reasons for allowance:

The primary reason for allowance is the inclusion of the limitation of a pulsed light source in imaging interferometry with an object-moving device, which combination with all recited limitations is not found in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The application having been allowed, formal drawings are required in response to this Office Action.

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ozawa (6,154,270)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phil Natividad whose telephone number is 703-306-5944. The

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examiner can normally be reached on Tuesday-Thursday and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 703-308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Phil Natividad  
Patent Examiner  
psn  
December 6, 2000

  
**FRANK G. FONT**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

**BEST AVAILABLE COPY**

Applicant: GUTIERREZ ET AL.  
Serial Number: 69/251,582  
Filing Date: 2/16/99  
Title: \_\_\_\_\_

NOTICE OF INFORMAL APPLICATION  
(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the serial number and filing date is required. The oath or declaration does not comply with 37 C.F.R. § 1.63 in that it:

1. ☐ was not executed in accordance with either 37 C.F.R. § 1.66 or 1.68.
2. ☐ does not identify the city and state or foreign country of residence of each inventor.
3. ☐ does not identify the citizenship of each inventor.
4. ☐ does not state whether the inventor is a sole or joint inventor.
5. ☐ does not state that the person making the oath or declaration:
  - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
  - b. ☐ believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
  - c. ☐ acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 C.F.R. § 1.56(a).
6. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 C.F.R. § 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of filing.
7. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 C.F.R. § 1.56(a) which occurred between the filing date of the prior application and the filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 C.F.R. § 1.63(d)).
8. ☐ does not include the date of execution.
9. ☐ does not use permanent ink, or its equivalent in quality, as required under 37 C.F.R. § 1.52(a) for the: ☐ signature ☐ oath/declaration.
10. ☐ non-initialed alterations have been made to the oath or declaration (See 37 C.F.R. §§ 1.52(c) and 1.56).
11. ☐ does not cover items omitted from the application papers at the time of execution.
12. ☐ does not contain the clause regarding "willful false statements..." as required by 37 C.F.R. § 1.68.
13. ☒ Other: DOES NOT STATE FOR THE RECORDED WHETHER POST OFFICE ADDRESS (LEFT BLANK) IS SAME AS RESIDENCE AS LISTED

B. Applicant is required to provide:

1. ☐ A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 C.F.R. § 1.41(a).
2. ☐ Proof of authority of the legal representative under 37 C.F.R. § 1.44.
3. ☐ An abstract in compliance with 37 C.F.R. § 1.72(b).
4. ☐ A statement signed by applicant giving his or her complete post office address (37 C.F.R. § 1.33(a)).
5. ☐ A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 C.F.R. § 1.52(a).
6. ☐ Other: \_\_\_\_\_

# A Brief Summary of Some Significant Rule Changes

**\*Unless otherwise specified in the rule, the effective date for the PBG-FINAL RULE is November 7, 2000.**

## **Amendment Practice (37 CFR 1.121)•**

- Specification/Claims
  - Amendment by paragraph replacement or rewritten claim in clean form
  - Marked-up version showing changes must be supplied

See § 1.121 Slides on PBG-FINAL RULE Webpage for suggested amendment FORMAT (Optional now; mandatory March 1, 2001)

## **Small Entity Status (37 CFR 1.27) - FORMS NO LONGER REQUIRED (Eff. Sept. 8, 2000):**

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

## **Abstract and Title Length (37 CFR 1.72)**

- Abstract now limited to 150 words (PBG)
- Title now limited to 500 characters (AIPA)

## **Application Data Sheet (ADS) (37 CFR 1.76) NEW**

- ..... • Use of ADS encouraged for more accurate capture of bibliographic data. Data in ADS not needed in declaration.

## **After Allowance Practice (37 CFR 1.85(c) and 1.136)**

- No extensions of time permitted to file corrected or formal drawings

## **Elimination of Issue Fee Preauthorizations (37 CFR 1.311)**

- Preauthorizations prior to Notice of Allowance no longer permitted

## **Rocket Docket Established for Designs (37 CFR 1.155)**

- Extra submissions plus \$900 fee is required

## **Proof of Authority of Legal Representative (37 CFR 1.44)**

### **THIS RULE HAS BEEN DELETED. (Eff. Sept. 8, 2000):**

- Oath/Dec. (§1.63) should identify legal rep for deceased/incapacitated inventor

## **Parts of Applications on CD-R or CD-ROM (37 CFR 1.52 (e), 1.58, 1.96 & 1.821)**

- Large tables, computer program listings, and bio-sequences now allowed on CD

# Patent Business Goals Final Rule

65 Fed. Reg. 54604 (September 8, 2000)

1238 Off. Gaz. Pat. Office 77 (September 19, 2000)



**USPTO's PBG-FINAL RULE webpage has helpful related information at one location:**  
<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

**This site includes:**  
a Listing of Affected Rules,  
Training & Implementation  
Materials including Training  
Slides, Q & A's, Summaries,  
Effective Date Chart, Forms  
Changed by Recent Rules, etc.

### **Contact:**

Bob Spar (703) 308-5107 or  
Hiram Bernstein (703) 305-8713  
for any PBG Change.

Joe Narcavage (703) 305-1795  
for 37 CFR 1.121  
Amendment Practice Changes

Eugenia Jones (703) 306-5586  
for 37 CFR 1.27 Small Entity  
Changes



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

**NOTICE OF ALLOWANCE AND ISSUE FEE DUE**

020985  
FISH & RICHARDSON, PC  
4350 LA JOLLA VILLAGE DRIVE  
SUITE 500  
SAN DIEGO CA 92122

MM92/1208

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/251,582	02/16/93	022	NATIVIDAD, F	2877 12/08/00
First Named Applicant	GUTIERREZ, 35 USC 154(b) term ext. = 0 Days.			

TITLE OF INVENTION

INTERFEROMETRIC SYSTEM FOR PRECISION IMAGING OF VIBRATING STRUCTURES

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
3	06618/266001	356-498,000	W15 UTILITY	YES	\$620.00	03/08/01

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.**

**THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.**

**HOW TO RESPOND TO THIS NOTICE:**

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

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